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EXAMINER	
JACOBS, LASHONDA T	

ART UNIT	PAPER NUMBER
2157	

DATE MAILED: 04/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/641,495	BRISCOE ET AL.	
	Examiner	Art Unit	
	LaShonda T. Jacobs	2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *22 January 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-42* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-42* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

This Office Action is in response to Applicants' amendment filed on January 22, 2004. Claims 1-42 are presented for further examination.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim Rejections - 35 USC § 102

2. Claims **1- 42** are rejected under 35 U.S.C. 102(e) as being anticipated by Glommen et al (hereinafter, "Glommen", 6,393,479).

As per claim **1**, Glommen discloses a system for obtaining enriched activity data in a client-server communications network wherein information requested by a network element is cached at one or more other network elements, comprising:

- a server network element including server software and a database for generating and storing a plurality of information files that are accessible to a requesting network element, the information files including text files and key words that are interpreted by the requesting network element to display the information requested, the information file further including an uncacheable single pixel Graphics Image Format (GIF)

request (col. 3, lines 33-67, col. 5, lines 65-67, col. 6, lines 1-16, lines 53-67, col. 7, lines 1-6, lines 35-58, col. 11, lines 32-45 and col. 12, lines 1-32; Glommen discloses html code which contains a graphical element (not cached by the server) is used to gather information about a website visitor and scripts that gathers additional information (such as monitor resolution, etc) in order to provide efficient detail of a website visitor pattern. Glommen meets the requirements of tracking a user's interactions with an uncacheable single pixel GIF as claimed by the applicants); and

- wherein upon interpreting the information file, the single pixel GIF request is transmitted from the requesting element over the communications network to the server network element which reads and stores enriched data contained therein (col. 3, lines 33-67, col. 5, lines 65-67, col. 6, lines 1-16, lines 53-67, col. 7, lines 1-6, lines 35-58, col. 11, lines 32-45 and col. 12, lines 1-32).

As per claims **17** and **32**, Glommen discloses a method and computer readable medium for obtaining enriched activity data in a client-server communications network wherein information requested by a network element is cached at one or more other network elements, comprising the acts of:

- generating and storing a plurality of information files at a server network element that are accessible to a requesting network element, the information files including text files and key words and a single pixel Graphics Image Format (GIF) request (col. 3, lines 33-67, col. 5, lines 65-67, col. 6, lines 1-16, lines 53-67, col. 7, lines 1-6, lines 35-58, col. 11, lines 32-45 and col. 12, lines 1-32);

- interpreting the information files including the text files, key words and single pixel GIF request by the requesting network element to display the information requested (col. 3, lines 33-67, col. 5, lines 65-67, col. 6, lines 1-16, lines 53-67, col. 7, lines 1-6, lines 35-58, col. 11, lines 32-45 and col. 12, lines 1-32);
- transmitting the single pixel GIF request from the requesting element over the communications network to the server network element (col. 3, lines 33-67, col. 5, lines 65-67, col. 6, lines 1-16, lines 53-67, col. 7, lines 1-6, lines 35-58, col. 11, lines 32-45 and col. 12, lines 1-32); and
- reading and storing the enriched activity data contained in the transmitted single pixel GIF request at the server network element (col. 3, lines 33-67, col. 5, lines 65-67, col. 6, lines 1-16, lines 53-67, col. 7, lines 1-6, lines 35-58, col. 11, lines 32-45 and col. 12, lines 1-32).

As per claims **2** and **18**, Glommen further discloses:

- one or more cache engines that are connected to at least one of the other network elements for temporarily storing requested information files that are served upon demand to the requesting network element (col. 2, lines 18-51).

As per claims **3**, **19** and **33**, Glommen discloses:

- wherein the single pixel GIF request includes a Common Gateway Interface (CGI) query string appended to it that contains the enriched data (col. 3, lines 33-67, col. 5, lines 65-67, col. 6, lines 1-16, lines 53-67, col. 7, lines 1-6, lines 35-58, col. 11, lines 32-45 and col. 12, lines 1-32).

As per claims **4**, **20** and **34**, Glommen discloses:

- wherein the CGI query string includes an identification of the location of the requested information file (col. 3, lines 33-67, col. 5, lines 65-67, col. 6, lines 1-16, lines 53-67, col. 7, lines 1-6, lines 35-58, col. 11, lines 32-45 and col. 12, lines 1-32).

As per claims **5**, **21** and **35**, Glommen discloses:

- wherein the CGI query string includes a number of image objects contained in the information file (col. 3, lines 33-67, col. 5, lines 65-67, col. 6, lines 1-16, lines 53-67, col. 7, lines 1-6, lines 35-58, col. 11, lines 32-45 and col. 12, lines 1-32).

As per claims **6**, **22** and **36**, Glommen discloses:

- wherein the CGI query string includes an identification of a network element that referred the requesting network element to the server network element (col. 3, lines 33-67, col. 5, lines 65-67, col. 6, lines 1-16, lines 53-67, col. 7, lines 1-6, lines 35-58, col. 11, lines 32-45 and col. 12, lines 1-32).

As per claims **7**, **23** and **37**, Glommen discloses:

- wherein the CGI query string includes a persistent cookie identification of the requesting network element (col. 3, lines 33-67, col. 5, lines 65-67, col. 6, lines 1-16, lines 53-67, col. 7, lines 1-6, lines 35-58, col. 11, lines 32-45 and col. 12, lines 1-32).

As per claims **8** and **24**, Glommen discloses:

- wherein the client-server communications network is a global network such as the Internet (col. 5, lines 65-67, col. 6, lines 1-16 and col. 7, lines 17-20).

As per claims **9**, **25** and **38**, Glommen discloses:

- wherein the plurality of information files are hypertext documents written with HyperText Markup Language (HTML) tags (col. 5, lines 65-67 and col. 6, lines 1-16).

As per claims **10** and **26**, Glommen discloses:

- wherein the hypertext documents contain source HTML code interpreted by the requesting element to generate the display of corresponding web pages stored at the server network element (col. 5, lines 65-67, col. 6, lines 1-16, lines 28-33 and col. 7, lines 30-58).

As per claim **11**, Glommen discloses:

- wherein the server network element is a HyperText Transfer Protocol (HTTP) server (col. 5, lines 65-67, col. 6, lines 1-16 and lines 28-33).

As per claims **12** and **28**, Glommen discloses:

- wherein the requesting network element is a client browser application (col. 5, lines 65-67 and col. 6, lines 1-16).

As per claims **13**, **29** and **40**, Glommen discloses:

- wherein the single pixel GIF request with an appended Common Gateway Interface (CGI) query string is included as part of a JavaScript command that is put directly into the HTML file (col. 3, lines 33-67, col. 5, lines 65-67, col. 6, lines 1-16, lines 53-67, col. 7, lines 1-6, lines 35-58, col. 11, lines 32-45 and col. 12, lines 1-32).

As per claims **14**, **30** and **41**, Glommen discloses:

- wherein the JavaScript command is a "document.write" command which places an expression that follows the command into a document window (col. 3, lines 33-67, col. 5, lines 65-67, col. 6, lines 1-16, lines 53-67, col. 7, lines 1-6, lines 35-58, col. 11, lines 32-45 and col. 12, lines 1-32).

As per claims **15**, **31** and **42**, Glommen discloses:

- wherein the expression contains a HyperText Markup Language (HTML) image (IMG) tag with a source (SRC) attribute that specifies the Uniform Resource Locator (URL) location for the hypertext document (col. 3, lines 33-67, col. 5, lines 65-67, col. 6, lines 1-16, lines 53-67, col. 7, lines 1-6, lines 35-58, col. 11, lines 32-45 and col. 12, lines 1-32).

As per claim **16**, Glommen discloses:

- wherein the other network elements include any one or more of switch devices, router devices, gateways, and client computer devices (col. 2, lines 18-51 and col. 7, lines 7-29).

As per claims **27** and **39**, Glommen discloses:

- wherein hypertext documents are stored at a HyperText Transfer Protocol (HTTP) server (col. 5, lines 65-67, col. 6, lines 1-16 and lines 28-33).

Response to Arguments

3. Applicant's arguments with respect to claims 1-42 have been considered but are moot in view of the new ground(s) of rejection.

The Office notes the following arguments:

(a) Davis does not disclose the use of an uncacheable single pixel GIF file with encoded data therein so the originating server may gather information about the requesting web page despite the web page being cached on another server.

(b) Davis system does not anticipate at least an uncacheable single pixel GIF request being sent to the originating server.

(c) None of the servers mentioned by Davis are indicated to be the web page's originating server and thus may be servers functioning as caches.

(d) Davis does not show returning an uncacheable single pixel request to the originating server with enriched data contained therein.

(e) Davis does not disclose obtaining enriched activity data wherein a single pixel GIF request is transmitted from a requesting element over a communications network to a server element that reads and stores enriched data contain therein, as set forth in claims 1, 17 and 32.

(f) The Newman system teaches away from the invention because it is specifically designed to not send information to the originating server in the form of a single pixel GIF file. Additionally the combination of Davis and Newman does not establish a prima facie case of obviousness because it does not show or suggest sending an uncacheable single pixel GIF request with enriched data activity contained therein to a server.

(g) Newman does not send an uncacheable single pixel GIF request to an originating server, and furthermore, specifically avoids sending any user information to a server.

(h) Newman teaches away from the invention, and there is no motivation to combine Newman with Davis. If it is assumed arguendo that Newman does not teach away, neither Davis or Newman, either alone or in combination, discloses or suggest a system for obtaining enriched activity data for a single pixel GIF request with an appended Common Gateway Interface (CGI) query string is included as part of a JavaScript that is put directly into an HTML file as set forth in claims 13 and 29.

(i) Neither Davis or Newman, either alone or in combination, discloses or suggest a computer readable medium containing a computer program for obtaining enriched activity data, including instructions that place a JavaScript command, including a single pixel GIF request with an appended string directly into an HTML file, as set forth in claim 40.

(j) Neither Davis or Newman, either alone or in combination, disclose or suggest a system or computer readable medium containing a computer program for obtaining enriched activity data wherein a JavaScript command is a "document.write" command which places an expression that follows the command into a document window, as set forth in claims 14, 30 and 41.

In considering (a)-(j), Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LaShonda T. Jacobs whose telephone number is 703-305-7494. The examiner can normally be reached on 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 703-308-7562. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

LaShonda T. Jacobs
Examiner
Art Unit 2157

ltj
March 29, 2004

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